

Serial No.: 10/035,124
Group Art Unit: 3732
Examiner: Todd E. MANAHAN

REMARKS

Claim 1 has been amended to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. Practice and format, and to place the application fully in condition for allowance. All of the amendments are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter into this case. The original Abstract has been amended to provide a more concise summary of the disclosure in accordance with U.S. practice format.

Applicants have not yet received an indication from the Examiner as to the acceptability of the originally filed drawings and requests such indication in the next Official Action, in the absence of which it is assumed that the original drawings are acceptable.

Claims 1-11 remain pending upon entry of the amendments to the claims above.

Claim Rejections under 35 U.S.C. § 103

Claim 1-11 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. 5,364,269 (Willits et al.). Applicants respectfully traverse this rejection.

Applicants most respectfully wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP. MPEP § 2131 states that to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings of the reference. Second, there must be a reasonable expectation of success for the modification. Finally, the

prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2143.03 states that all claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 which states that Office Personnel should consider all rebuttal argument and evidence presented by the Applicants. *In re Soni*, 54 F.3d 746, 750, 34 USPQ2d 1684, 1687 (Fed. Cir. 1995) (error not to consider evidence presented in the specification).

Applicants refer the Examiner to Figure 4 of the application, wherein the denture teeth are only on one side of the dental arch. An important feature of the claimed invention is that the linguoplate (10) extends from one side to another side of the dental arch. In contrast, the reference to Willlts et al. discloses a U-shaped partial denture having a linguoplate (lingual plate) only at the middle bridging portion of the U-shaped partial denture (column 3, lines 50-55). Because of this difference, the partial denture of the claimed invention does not require an elastic retainer strip (28 of Willlts et al.) and the rests (34 of Willlts et al.) shown in Figure 2 of the reference to Willets et al., which clearly indicates that the rests 34 of Willlts et al., "extend upwardly and over and clamp downwardly on to one or more of the patient's existing teeth" (column 4, lines 7-9). The rests 34 of Willlts et al. are difficult to form and are easily visible to others. The claimed embodiments shown in Figures 1-3 of the application all include the same linguoplate

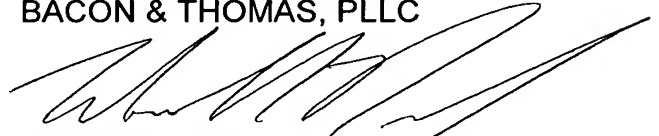
Serial No.: 10/035,124
Group Art Unit: 3732
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which has extensions from near one end of the arch to near another end of the arch. Please note the amendments to independent claim 1, which more positively claim this feature.

In view of amendments to independent claim 1, and the remarks above, withdrawal of this rejection is respectfully requested.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to Applicants' Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
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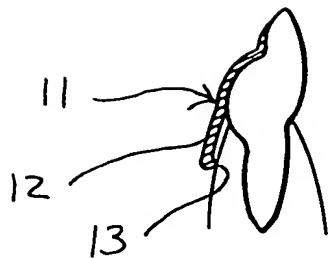


FIG. 1a

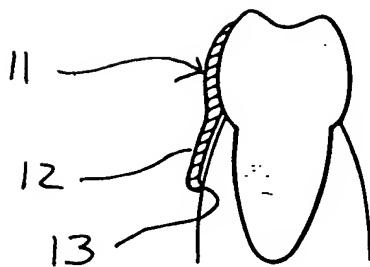


FIG. 1b

drawing corrections required